

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ZORICA STRBAC, :  
Plaintiff, : CASE NO. 1:15-CV-1885  
vs. :  
COMMISSIONER OF SOCIAL, : OPINION & ORDER  
SECURITY ADMINISTRATION : [Resolving [Doc. 1](#)]  
Defendant. :  
:

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On December 26, 2013, Plaintiff Zorica Strbac applied for Disability Insurance Benefits under Title II of the Social Security Act.<sup>1</sup> After her application was denied on April 4, 2014,<sup>2</sup> Plaintiff requested that an Administrative Law Judge (ALJ) evaluate her application.<sup>3</sup>

On June 12, 2015, the ALJ determined that Strbac was not disabled within the meanings of the Social Security Act.<sup>4</sup> The Appeals Council denied Plaintiff's request for review.<sup>5</sup>

On September 15, 2015, Strbac filed this complaint for wrongful denial of disability insurance benefits.<sup>6</sup> Consistent with Local Rule 72.2, the Court referred the matter to Magistrate Judge Thomas M. Parker. Magistrate Judge Parker issued a Report and Recommendation, finding the ALJ's determination was not supported by substantial evidence and recommending that this Court vacate the Commissioner's denial of disability benefits and remand the case back to the ALJ for further proceedings.<sup>7</sup>

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<sup>1</sup> Doc. [14](#) at 189-97.

<sup>2</sup> *Id.* at 111-14.

<sup>3</sup> *Id.* at 127-28.

<sup>4</sup> *Id.* at 7-31.

<sup>5</sup> *Id.* at 1-5.

<sup>6</sup> Doc. [1](#).

<sup>7</sup> Doc. [19](#).

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Specifically, the Magistrate Judge found that the ALJ improperly rejected the treating physician's opinion and failed to articulate "good reasons" for discounting it.<sup>8</sup>

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.<sup>9</sup> The Commissioner of Social Security declined to file any objections in this case.<sup>10</sup>

Absent objection, a district court may adopt the magistrate judge's report without review.<sup>11</sup> Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Parker.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Parker's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **VACATES** the Commissioner's denial of benefits and **REMANDS** this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: September 22, 2016

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>8</sup> *Id.* at 19-22.

<sup>9</sup> [28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

<sup>10</sup> Doc. [20](#).

<sup>11</sup> [Thomas v. Arn](#), 474 U.S. 140, 149 (1985).